

**CITY OF LAS VEGAS MINUTES OF THE REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF LAS VEGAS, NEW MEXICO HELD WEDNESDAY,  
JULY 5, 2006 AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS**

**MAYOR:** Henry O. Sanchez

**COUNCILORS:** Morris Madrid  
Macario Gonzalez  
Diane M. Moore  
Michael Gallegos  
Tony E. Marquez, Jr.  
Eugene A. Romero  
Louie A. Trujillo  
Cruz E. Roybal, Jr.

**ALSO PRESENT:** John Avila, City Manager  
CherylAnn Yara, City Clerk  
Matthew J. Sandoval, City Attorney  
Ann Marie Gallegos, Financial Specialist  
Tim Gallegos, Sergeant at Arms

**ROLL CALL**

Following roll call, Councilor Tony E. Marquez, Jr. introduced Ms. April Esquibel, who was selected as Ms. Hispanic Teen New Mexico in Roswell, New Mexico.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Ms. April Esquibel then led all in the Pledge of Allegiance to the Flag.

**MOMENT OF SILENCE**

Mayor Henry O. Sanchez then asked for a moment of silence for all of our dear loved ones who have passed away in our community, Mrs. Eleanor Lucero Marlow.

City Manager John Avila mentioned the military, the Fire Department and the Police Department who courageously serve us and keep us safe.

**APPROVAL OF AGENDA**

City Manager Avila advised that the Board of EDC has asked that their contract be removed from tonight's agenda for further discussion and will bring it before Council at another date.

Councilor Diane Moore then moved for approval of the agenda with the removal of the Economic Development corporation contract. Councilor Marquez seconded the motion. The motion carried.

### **APPROVAL OF MINUTES (Approval of June 21, 2006 City Council Meeting Minutes.)**

Councilor Eugene A. Romero moved for the approval of the June 21, 2006 City Council Meeting Minutes. Councilor Louie Trujillo seconded the motion. The motion carried.

### **PRESENTATION**

City Manager Avila advised that tonight's presentation was to be by the Legislative Delegation, which consists of Senators Phil Griego, Pete Campos and Representatives Richard Vigil and Hector Balderas. Senator Griego had a death in the family and all were with him and we will schedule the presentation for another time.

### **PUBLIC INPUT**

Mr. Frank J. Casey passed out to Mayor and Council, a brochure and asked that they please take the three minutes which he is allotted, to read the brochure.

Next, Mr. Joshua Baca addressed Mayor and Council and thanked them for their assistance and support for his trip to Washington, D.C. Mr. Baca spoke about the tours which he took as well as the speakers who he met while at the Conference. Mr. Baca then presented Mayor and Council with a souvenir/memorial which he brought back from his trip.

### **HOUSING AGENDA**

Councilor Morris Madrid moved to recess the Council and convene into the Housing Agenda. Councilor Louie Trujillo seconded the motion.

Mayor Sanchez asked for a roll call vote. Roll call was taken and reflected the following:

Morris Madrid	Yes	Macario Gonzalez	Yes
Diane Moore	Yes	Michael Gallegos	Yes
Tony E. Marquez, Jr.	Yes	Eugene A. Romero	Yes
Louie A. Trujillo	Yes	Cruz E. Roybal, Jr.	Yes

City Clerk CheryAnn Yara re-read the motion and advised that the motion carried.

Councilor Madrid then moved for approval of the Housing Agenda. Councilor Trujillo seconded the motion. The motion carried.

## **PRESENTATION**

Presentation – The City of Las Vegas Public Housing Authority would like to present to the Housing Board, the status on the current projects. Housing staff continues to work with HUD in addressing the corrective actions, and all other projects.

Interim Housing Director Chris Barela addressed Mayor and Council and spoke of two upcoming projects which are coming up, one being the rehabbing of eleven units and five units to be converted to 504 ADA compliance. Mr. Barela advised that a total of sixteen will be rehabbed. Mr. Barela then advised that these two units have been approved by HUD, have been advertised for bids are scheduled for bid opening on July 14, 2006, and will go to HUD on July 16, 2006 for their review and will be placed on the next Housing Agenda for award. Mr. Barela then spoke on the status of the HOPE VI demolition and advised that currently there are nine resident families on the site, and six out of those nine will await the completion of the two upcoming contracted projects and the remaining three resident families are now in the process of relocating within public housing area sites. He then advised that the Relocation Specialist is currently on board and is conducting an extensive audit to begin reimbursements to all resident who have been affected by the HOPE VI. Mr. Barela then advised that almost immediately following the completion of the relocation, demolition will begin with the demolition target date being late August or early September. He then advised that the acreage that the Santa Fe Trail Apartments will developed be on, will be the first phase of demolition with the target date for groundbreaking being mid to late September. He then advised that following the demolition of eighty two units, the public housing stock will then be 230 units for lease out. He then advised that the Public Housing Authority will propose to HUD and the Housing Board, the possibility, of again leasing up the remaining thirty nine market units in order to come back into compliance with the 5-H Homeownership Program. Mr. Barela then spoke on the waiting list which consists of a total of 120 applicants and the PHA will begin the process to re-open all of the waiting lists for the August Housing Board Meeting. He advised that there are fifty applicants for a one bedroom unit, thirty applicants for a two bedroom unit, thirty-seven applicants for a three bedroom unit and three applicants for a four bedroom unit. Mr. Barela advised that following the relocation of HOPE VI, the PHA will have thirty units for the waiting list applicants, and thirty-nine additional, with leasing up the market unit if approved. He then spoke on the Memorandum between the City of Las Vegas and the HUD, and advised that the document was fully signed and executed and June 16, 2006.

Next, Doris Gallegos and Lori Gonzales, Housing employees who attended the SE NAHRO convention in Galveston, Texas reported to Mayor and Council on their trip and learnings.

Commissioner Trujillo then commended the Housing staff for holding things together in the department.

Commissioner Madrid moved to adjourn the Housing Agenda and reconvene in to regular session. Commissioner Trujillo seconded the motion.

Chairman Sanchez asked for a roll call vote. Roll call was taken and reflected the following:

Cruz E. Roybal, Jr.	Yes	Louie A. Trujillo	Yes
Eugene A. Romero	Yes	Tony E. Marquez, Jr.	Yes
Michael Gallegos	Yes	Diane Moore	Yes
Macario Gonzalez	Yes	Morris Madrid	Yes

City Clerk Yara re-read the motion and advised that the motion carried.

### **BACK IN REGULAR SESSION**

### **CITY MANAGER'S INFORMATIONAL REOPRT**

At this time City Manager Avila congratulated the Fiesta Committee for their first time conducting the Fiestas and thanked City staff who were out there doing extra duty, Jeff Rudolph, Louie Silva, Estolano Chavez, Peter Ortiz, Ruben Urioste, Angelica Baca, Valerie Wise, Raelene Lopez, Michael Varela, Carlos Garcia, Jennifer Martinez and Daniel Leyba. He then advised that the Fiesta Committee will be holding a debriefing with City staff and start planning for next year. City Manager Avila advised that the Fiesta Committee must clarify with the City, how many days they would like for the City to support them for the Fiestas as they were under the impression that it was only three days. He then advised that later on during the agenda, we will be talking about the budget and some of the findings. He then advised that he is shooting for the last week of the month in conjunction with the Finance Committee and Housing Committee to set up a work session.

Councilman Trujillo voiced his concerns as to how things are going with the movie which they are filming here in Las Vegas. He spoke about the bridge which was turned into a "Mexico Border" and asked that from now on, these things be looked at closer before approving the filming.

Next, Councilman Michael Gallegos asked why the baseball parks were not being watered with effluent water when we were going through the drought

period. He advised that he has asked previously and thought that this was already being done.

City Manager advised that without going into every detail, there was a problem with the transportation of the effluent water, where our vehicles were being pulled over due to not having the proper documentation.

Councilman Tony E. Marquez, Jr. then asked City Manager Avila what his plan of action is regarding the vacancies which currently exist within the Finance Department.

City Manager Avila advised that he has already begun his plan of action by hiring a Financial Specialist to bring us through the accounting process and we have had other personnel movement and have discussed what is needed there. He then advised that we should have a posting for the Grants Administrator soon, and regarding the needs of accounting, we are well represented and the project is getting done.

***\*6:45 p.m., Mayor Sanchez excuses himself and turns the gavel over to Mayor Pro-tem, Diane Moore.***

## **BUSINESS ITEMS**

1. Discussion and Direction regarding purchase of water.

Utilities Director, Richard Trujillo addressed Mayor and Council and spoke of the agreement for the purchase of water between the City of Las Vegas and Storrie Lake Water Users Association. Mr. Trujillo then advised that we are looking at a one time purchase of 350 acre feet of wet (emergency) water. Mr. Trujillo advised that the agreement has been brought before Robert Quintana and he has reviewed it, although he has a couple of changes and he will then send it off to Paul Cassler who is the Attorney for the Storrie Lake Water Users Association. Mr. Trujillo then advised that the price that we are looking at is \$1,800 per acre foot.

Councilman Trujillo then advised that he had a conversation with one of the other Storrie Lake Water User Association members who advised that the communication is not flowing between Mr. Quintana and the other members. He advised that he is hoping at some point to have a meeting with all of them in the room to ensure that the information is flowing freely among all of them.

Mr. Trujillo then advised Councilor Trujillo that he would advise Mr. Quintana, although he feels that it is something for Mr. Quintana to take care of, and all we could do was propose a purchase. He then advised that Mr. Quintana is the Chairman and he has already talked to his Attorney and everything is a go. Mr. Trujillo then advised that this would be an outright purchase and 350 acre feet

will be put into the storage where the City at this time is leasing 500 acre feet of storage from Storrie Lake, and this would help bring our storage up to where it needs to be which is close to 100%.

Councilor Trujillo asked Mr. Trujillo to finish with his presentation and he would later bring up some questions regarding some legal issues.

Mr. Trujillo then advised that the river did increase to 29,000,000 gallons per day, and we are moving water into our storage at Storrie Lake and estimate that if the monsoons continue, we should be able to fill both reservoirs within a day and a half.

Councilor Trujillo then advised that he has asked for consultation from Mr. Paul Bloom and he was to be invited to our last meeting and he was not there and again he is not here. He then advised that he is requesting that Mr. Paul Bloom come before Mayor and Council for a presentation. Councilor Trujillo then asked how we would know that what we are offering to buy is equitable.

Mr. Trujillo advised Councilor Trujillo that when negotiating a price with anyone who is interested in selling us water rights, it is not going to be what we are hoping for or looking for, although the people who are willing to sell their water rights, are aware of what the water rights are worth, and what we think is very high priced, the people who own the water rights, do not. Mr. Trujillo then advised that there is a clause in the agreement which states that this is a one time purchase of emergency water.

Councilor Trujillo asked if we have other options to look at, or, if this is the only option we have to purchase water.

Mr. Trujillo advised that this is the only source of water which we can fill, drink and sell at this time. He then advised that there is not another source out there where we can have it immediately in our system.

Councilor Trujillo then advised that he would still like to be under legal consultation with Paul Bloom before we enter into a transaction in order to discuss other options.

Councilor Madrid then advised that to him the definition of a good deal is when both sides leave the room a little unhappy, and there has been some give and take and neither side is really satisfied. He then advised that this is a purchase of water without rights and should give us between 100 to 120 days of water, and no matter what, we will still have this 100 to 120 days of water as an insurance policy. Councilor Madrid then advised that this would take the approval of the Governor's Office, the Governing Body and the State Engineer and with those three bodies sanctioning this, he is satisfied with this agreement and realizes that

Mr. Trujillo is exploring other options and he thanked Mr. Trujillo and advised him that he has his support.

Councilor Marquez then asked Mr. Trujillo where we will be getting the money to pay for this water.

Mr. Trujillo advised Councilor Marquez that a meeting was held with the Governor staff and our Legislative Delegation, and they immediately started making phone calls to NMFA, the Water Trust Board and they pretty much have assured us that we will have this purchase paid for, although we may have to add it to our application which we have just sent to NMFA but we are confident that we will be reimbursed for it at our next legislative session, as it is a commitment from our Senators.

Councilman Gonzalez then advised that this 350 acre feet of water will suffice until the latter part of 2007, falls short and he feels that we will be right back at the table with these people buying or leasing again, so as in the words of Councilor Trujillo, why not approach the issue with the intent to buy and never mind the lease or the temporary quick fix, as we will be in the same boat again.

Mr. Trujillo advised that this is not the only avenue which we are going after, we have already identified a couple of water right owners who will be selling to the City, we have already given them a counter offer.

Councilor Madrid spoke a little on the Pueblo Water Rights and then advised that this water problem is not going to be a light that is going to fall out of the sky and solve everything, it could be a lot of little block, maybe some additional well drilling, maybe some water rights and storage from Storrie Lake, maybe more diversion or maybe build our own storage pond. He then advised that we must do this because if we don't and it does not rain, where are we going to be.

Councilor Marquez then asked Mr. Trujillo what he is recommending to the Governing Body tonight.

Mr. Trujillo advised that he is recommending that we purchase the emergency wet water to carry us through the fall and early part of next spring, and is asking for direction to do so.

Councilor Madrid then advised that he is in favor of giving Mr. Trujillo direction to proceed with getting this agreement drafted in a manner which is presentable and asked other Councilors to state their intention as far as direction.

Councilor Trujillo then advised that his only direction would be follow negotiating with them to purchase and see how many of them will come forward, and bring back a report to Council. He also advised that he is giving direction to see legal consultation by Paul Bloom on our other options of acquiring water in that lake.

2. Approval of Fiscal Year 2004 Financial Audit by Atkinson & Co. Approval of Council is required by the New Mexico State Auditor's Office before audit may be released as a public document.

Financial Specialist Ann Marie Gallegos addressed Mayor Pro-tem and Council and advised that the State Auditor did release the 2004 audit and she is requesting release and approval of the audit in order to continue to forward these documents over to the federal grants and state grants who are seeking copies of the audit. Ms. Gallegos advised that we did receive an unqualified opinion and we will now be taking the audit back to the Finance Committee for review and then final recommendations.

Councilor Trujillo then asked Ms. Gallegos to define what the word unqualified means.

Ms. Gallegos advised that an unqualified opinion is the highest opinion that a municipality or a governmental agency may receive. She then advised that there were some findings which must be reviewed and resolved.

Councilor Trujillo then asked if Ms. Gallegos would let us know if there were any significant findings, anything which fell out and hit her over the head, or anything which raised a red flag which she would need to let Council know about.

Ms. Gallegos advised that there were fourteen audit findings, with ten of them being reviewed with the City Manager and Finance staff and have been resolved in the year 2005, and she does not see anything which is of great significance, although there were some funds which were over expended, although the cash was there but the budget was not, and these were taken care of.

Councilor Trujillo then spoke on the impact which the accrual of sick leave at the time of retirement has on the budget, and asked how we are going to deal with this as we have not had any conclusive action on the issue.

City Manager Avila advised that he reported on how that State operates regarding the issue and an Ordinance was drafted up. He advised that this may be put in effect if Council would like it for action, although it will not take care of what is there already, it would only deal with future items.

Councilor Trujillo advised that he keeps hearing that it will not take care of what is there already when it will, as companies change their policies all the time. He then advised that between now and the time we decide, he feels we should get some legal consultation, besides our Attorney, someone who specializes in H.R. law.

Councilor Gallegos then advised that we have talking about this issue for years and if something had been done back then, we would be dealing with less



employees with years vested. He then advised that we should not have this conversation again and deal with the issue. He advised that Council should deal with their consciences and if they feel that legally we can effect someone's right, they will vote yes and if they don't then vote no, but something has to be done due to the impact that this is having on the budget.

Councilor Madrid advised that he agrees that we must take some type of action, and advised that management and legal departments try to get this done. He then advised that he does not see anything significantly wrong with the audit and commended the Finance Department for a job well done, and moved for approval of the audit. Councilor Gonzalez seconded the motion.

Mayor Pro-tem Moore asked for a roll call vote. Roll call was taken and reflected the following:

Morris Madrid	Yes	Macario Gonzalez	Yes
Diane Moore	Yes	Michael Gallegos	Yes
Tony E. Marquez, Jr.	Yes	Eugene A. Romero	Yes
Louie A. Trujillo	Yes	Cruz E. Roybal, Jr.	Yes

City Clerk Yara re-read the motion and advised that the motion carried.

3. Discussion and Direction on consideration by Council on decrease in Council's salary. Council is asked to consider decreasing their current salaries. Submitters request that the amount in decrease be left open to suggestions by fellow Governing Body members.

City Manager Avila then clarified that no adjustments may be made to current salaries either up or down and the nearest this would effect, would be the Councilors from wards 2 and 3, two years out and wards 1 and 4, four years out.

Mayor Pro-tem Moore then gave direction to the City Manager and City Clerk to change the Ordinance in this matter to support what the people wanted and reduce the City Councilor's salary to \$10,000 per year and to eliminate the tie in with the County Commissioner's compensation.

Councilor Marquez then advised that he also voices his support in Mayor Pro-tem Moore's direction to the City Manager and the City Clerk.

Councilor Marquez then advised that as an alternative, there exists the possibility of having the people vote on the issue.

Councilor Eugene Romero then reiterated Councilor Marquez' comments and advised that this would be his suggestion or direction to the City Manager, to let the public decide and put it on the ballot. He then reiterated Councilor Gallegos comments regarding any Councilor who would like to give their money back to

the City of Las Vegas just having to go to the Human Resource Department, sign a paper saying that they would like to give their check back to the City, it is that simple.

Mayor Pro-tem Moore then asked for some clarification regarding Council's pay and asked if it would necessarily have to go back to the City of Las Vegas or if it could go to another entity.

City Attorney Sandoval advised that if the intent is not to cost the City of Las Vegas any more, then it should go back to the City.

Councilor Gonzalez advised that his concern is for the four Councilors who will remain and inherit twice the duties with a huge impact, he does not see decreasing their salaries, as they will deserve what Council is making today.

After a lengthy discussion regarding Council's salary, Mayor Pro-tem Moore asked for the next agenda item.

***\*Councilor Eugene A. Romero has now left the meeting.***

4. Approval of Memorandum of Understanding (Joint Powers Agreement) between Region IV South Narcotics and the other participating agencies listed in the MOU/JPA. The purpose of the MOU/JPA is to establish a jointly controlled substance investigation project known as the Region IV South Drug Enforcement Coordination Council, a Multi-Jurisdictional Task Force, Pursuant to the Joint Powers Act, Section 11-1-1, NMSA 1978.

Councilor Trujillo moved for approval of the MOU/JPA. Councilor Cruz E. Roybal, Jr. seconded the motion.

Police Chief Tim Gallegos briefed Mayor Pro-tem and Council on the MOU/JPA and advised that this document is very important in order to operate and have legal coverage in order to do operations within Region IV, with the South consisting of Harding, Mora and San Miguel Counties and the North consisting of Union and Colfax counties. Chief Gallegos then thanked Mayor Pro-tem and Council.

Mayor Pro-tem Moore asked for a roll call. Roll call was taken and reflected the following:

Morris Madrid	Yes	Macario Gonzalez	Yes
Diane Moore	Yes	Michael Gallegos	Yes
Tony E. Marquez, Jr.	Yes	Louie A. Trujillo	Yes
Cruz E. Roybal, Jr.	Yes		

City Clerk Yara re-read the motion and advised that the motion carried.

## **COUNICLOR'S REPORTS**

Councilor Trujillo asked who would have sponsored the EDC Contract.

City Manager Avila advised that Community Development will sponsor this item.

Councilor Marquez then advised that some of the vendors who sell fireworks took it upon themselves to prioritize public safety, public property and the safety for our constituents, and he applauded them for doing so, considering there was not a ban on the fireworks.

Councilor Madrid then thanked all City employees for their hard work during the 4<sup>th</sup> of July Fiestas as well as the preparation for the Fiestas.

Councilor Roybal thanked Mayor Sanchez and all who were involved in the Veteran's ceremony for the 4<sup>th</sup> of July.

## **ADJOURNMENT**

Councilor Trujillo moved for adjournment. Councilor Marquez seconded the motion.

Mayor Pro-tem Moore asked for a roll call vote. Roll call was taken and reflected the following:

Cruz E. Roybal, Jr.	Yes	Louie A. Trujillo	Yes
Tony E. Marquez, Jr.	Yes	Michael Gallegos	No
Diame Moore	Yes	Macario Gonzalez	Yes
Morris Madrid	No		

City Clerk Yara re-read the motion and advised that the motion carried.

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Mayor Henry O. Sanchez

ATTEST:

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CherylAnn Yara, City Clerk

